

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CHRISTOPHER LINDSEY,

Plaintiff,

VS.

COASTAL BEND DETENTION CENTER, *et al*,

Defendants.

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CIVIL ACTION NO. C-10-364

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
ON DEFENDANT'S MOTION TO DISMISS

On April 7, 2011, United States Magistrate Judge B. Janice Ellington signed a Memorandum and Recommendation recommending as follows:

1. That plaintiff's motion for appointment of counsel (D.E. 36) be denied as moot;
2. That plaintiff's request for attorney fees and costs (D.E. 33-1) be denied;
3. That defendant Warden Stridel's motion to dismiss (D.E. 33-2) be granted and plaintiff's excessive force claim against this defendant be dismissed with prejudice; and
4. That final judgment be entered that plaintiff take nothing on his claims.

On April 28, 2011, plaintiff filed Objections to the Magistrate's Recommendations.


Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and plaintiff's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED as follows:

- 1 Plaintiff's motion for appointment of counsel (D.E. 36) is denied as moot;
- 2 Plaintiff's request for attorney fees and costs (D.E. 33-1) is denied; and
- 3 Defendant Warden Stridel's motion to dismiss (D.E. 33-2) is granted and plaintiff's excessive force claim against this defendant is dismissed with prejudice.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 9th day of May, 2011.



Janis Graham Jack
United States District Judge